

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**C.R.No. 6281 of 2006
Date of Decision :16.3.2007**

Husan Chand @ Kaku.

...Petitioner

Versus

Tarsem Lal

...Respondent

Coram: Hon'ble Mr. Justice Vinod K.Sharma

Present: Mr. M.L.Saggar, Advocate
for the petitioner.

Mr. Ramesh Sharma, Advocate for the respondent.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the order dated 13.11.2006 passed by the learned Rent Controller, Jagraon vide which the provisional rent has been assessed at Rs. 3150/- per month w.e.f. 1.6.2003 till 31.4.2006 along with interest.

The petitioner-tenant moved an application for assessment of provisional rent on the plea that the monthly rent was Rs. 1200/- per month. In addition thereto, the petitioner was also liable to pay the house tax. It was further claimed that the rent upto 28.2.2006 has already been paid and the balance amount is required to be assessed.

The respondent-landlord, on the other hand, claimed that the rate of rent was Rs. 3150/- per month w.e.f. 1.6.2003. The learned Rent Controller without discussing the evidence and averments made by the tenant has ordered the assessment of provisional rent merely on the statement made by the landlord qua the rate of rent amount and the date from which it was due. No reasons have been given in the order as to how the stand of the tenant was not wrong. It is true that the provisional rent is

subject to the final adjustment at the time of final adjudication of the case. Still for the purpose of assessment of provisional rent, the Court has to form a prima facie opinion on the available material for reaching to the conclusion as to how the provisional rent is assessed. As the impugned order is totally non-speaking the same cannot be sustained. Accordingly, the revision petition is allowed and the impugned order is set aside and the matter is remitted back to the Rent Controller to re-assess the rent by passing a speaking order.

Parties through their counsel are directed to appear before the Rent Controller on 20.4.2007.

March 16, 2007
gsv

(Vinod K.Sharma)
Judge